

## REMARKS

### **I. Claim Rejections- 35 USC §112**

Claims 1 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 1 and 28 to correct the antecedent basis problem in these claims as previously presented.

### **II. Claim Rejections – 35 USC §102**

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Harvey et al. (U.S. 3,875,041). By means of the foregoing claim amendment Applicant has incorporated the limitations previously presented in claims 5, 7 and 8 into amended claim 1. The Harvey reference has not been cited as anticipating any of claims 5, 7 and 8. Accordingly, Applicant respectfully request that the pending claim rejection pursuant to 35 U.S.C. 102(b) of claims 1-3 be withdrawn in view of the amendment made to claim 1.

Claims 1-7, 9-12, 20-25, 27 and 28 stand separately rejected under 35 U.S.C. 102(e) as anticipated by Kovarsky (U.S. 6,852,209) as described above, the elements of claims 5, 7 and 8 have been incorporated by amendment into claim 1. In particular, the element of claim 8, “in which the shield is connected to the anode base in an electric current-conducting manner” is now an element of claim 1.

Claim 1 has also been amended to positively recite that the shield is conductive. Support for this amendment to claim 1 may be found in claims 5, 7 and 8 as filed and in the final paragraph of page 4, where the shield is described as “a charged metallic shield” which functions as an electrostatic barrier. Thus, in view of the amendments made to claim 1 (and claim 12 as described below) the claimed shield is:

1. Connected in electrical communication with the anode base, in other words current will pass from the anode base to the shield; and
2. At least some portions of the shield are metal (and therefore conductive).

The foregoing elements serve to fully distinguish the Kovarsky reference. In particular, the Examiner cites the lid 130 of Kovarsky as the analog of Applicant's claimed shield. The lid 130 is described at column 5, line 47 as follows:

*"The lid **130** is generally formed of an insulating material, such as glass, ceramic, metal covered with an insulative coating, polymer or composite material and is generally positioned from the anode **112** at a distance of about 0.5mm to about 20cm."*

Thus, it is clear that any shield element shown in Kovarsky is both an insulator and also positioned such that it cannot be connected to the anode base in an electric current conducting manner. Accordingly, Applicant respectfully requests that the anticipation rejection of claims 1-3, 6, and 9-11 in view of Kovarsky be withdrawn. Claims 4, 5 and 7 have been cancelled.

Similarly, independent claim 12 has been amended to incorporate the limitations of claims 23, 25 and 26 as previously presented. Thus, claim 12 has been amended to recite that the shield is attached in a current conducting manner to the anode base and that the shield acts as an electrostatic barrier as well as a mechanical barrier. Support for the foregoing amendments may be found in claims 23, 25 and 26 as filed plus the last paragraph of page 4 of the application. Therefore, independent claim 12 is novel over Kovarsky for the reason set forth in detail above. Accordingly, Applicant respectfully request that the anticipation rejection of claims 12, 20-21, 24, 27 and 28 in view of Kovarsky be withdrawn. Claims 22, 23 and 25 are cancelled.

### **III. Claim Rejections- 35 USC §103**

Claims 1-3, 8, 12, 20, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al., (U.S. 6,120,658) in view of Harvey. As described in detail above, claim 1 has been amended to incorporate the limitations previously presented in claims 5, 7 and 8. Similarly, independent claim 12 has been amended to incorporate the limitations previously presented in claims 23, 25 and 26. In addition, claims 1 and 12 have been amended to clarify that the shield includes conductive metal and can act as an electrostatic barrier. These elements

serve to distinguish the combination of Dunn in view of Harvey. In particular, the shield element of the Dunn reference (electrode cover 10) is described throughout as being made from a fabric material. Specific fabrics are described at column 7, line 31. For example, Dunn discusses polyester materials and other polymers comprised of twisted yarns woven into geometric patterns and possibly treated to adjust hydrophilicity. All of the polymers described in Dunn are insulators. Nowhere in the Dunn is reference any suggestion made that the Dunn shield could be made of either a plastic and metal combination or a metal material. In addition there is no suggestion whatsoever in Dunn that the shield could be a charged metallic shield.

Similarly, the Harvey shield (bottom rack 54) is not described as being made of either metal or a plastic and metal combination. The actual material used in Harvey is somewhat irrelevant however, since the Harvey shield element is clearly and expressly insulated from the anode base.

In the office action, at page 12, the examiner argues that Dunn shows a shield connected to the anode in “a current conducting manner.” Applicant submits that this reading of Dunn is overbroad. The examiner argues that any two elements physically touching are capable of conducting current. Applicant respectfully submits that this is true only if the two elements are both conductors. An insulator in physical contact with a conductor would not be viewed by one skilled in the electrical arts as being attached in a “current conducting manner” since no current will be conducted between the insulator and the conductor under any normal potential.

Thus, applicant submits that although the Dunn electrode cover and electrode are in physical contact with each other, they are clearly not in a current conducting relationship since the electrode cover is not made of a conductive material. Applicant’s amendments to claims 1 and 12 serve to further clarify this element of the claims and further distinguish the combination of the Dunn and Harvey references.

Although the Examiner has not set forth a specific obviousness rejection combining Kovarsky with Dunn, it is clear, as described above, that the Kovarsky shield is fabricated from a substantially insulating material which is not in electrical communication with the anode base.

In summary, independent claims 1 and 12 as amended each recite a shield which is composed wholly or in part from an electrically conductive material which is attached to the anode in a current-conducting manner. The shield may thus act as both a mechanical barrier and

an electrostatic barrier. This combination of elements is not shown or suggested by the combination of references cited by the examiner.

For the reasons set forth above, Applicant respectfully submits the claims as filed are allowable over the art of record and reconsideration and issuance of a notice of allowance are respectfully requested. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to deposit account No. 19-5117.

Respectfully submitted,

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